

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 103-2004



To: Mayor David Dermer and
Members of the City Commission

Date: May 4, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge", written over the printed name of the City Manager.

**Subject: AMENDING THE ORDINANCE ADDRESSING PERMITTING AND
LOCATIONS OF NEWRACKS**

In a previous letter I told you about the efforts of Public Works Department to revise the current ordinance governing the permitting, location, and maintenance of portable newspaper sales racks (newsracks). This process has gained momentum and the revised ordinance, developed with the assistance of publisher representatives, is about to be presented to the publishing industry for comment.

A meeting has been scheduled with the publishing industry for May 14, 2004 to present and discuss the proposed revisions. I expect the final revision of the ordinance to be presented to the City Commission for consideration at the meeting on June 9, 2004.

In the meantime, in an effort to continually improve the appearance of our city, we have become more aggressive in the enforcement of the current ordinance. In March, letters were sent to all the publishers doing business in Miami Beach explaining the ordinance revision and that enforcement of the current ordinance would be increased during April. On April 1, 2004 "Advisory Notifications" were mailed to all publishers with newsracks not in compliance with the current ordinance. These letters explained that newsracks not in compliance would be tagged in 15 days. A sample of the "tag" is attached. "Letters of Violation" were mailed on April 15, 2004, to publishers with newsracks still not in compliance informing them that the tagged newsracks would be removed in 15 days. The response has been seventy-eight (78) applications for existing non-permitted newsracks. We anticipate removing approximately 100 newsracks that are not in compliance, during May.

Due to the participation in the process by the major publishers such as the Miami Herald, SunPost, USA Today, Street, Entertainment Weekly etc... we do not expect much controversy. However, some of the smaller publishers, who have not responded to our correspondence, might take exception to the action.

If you have any questions or need additional information, please feel free to contact me.

JMG/RCM/FHB

c: Robert C. Middaugh, Assistant City Manager
Fred H. Beckmann, Public Works Director

CITY OF MIAMI BEACH

1700 Convention Center Drive, Miami Beach FL 33139
<http://miamibeachfl.gov>



Public Works Department

Telephone (305) 673-7080
Facsimile (305) 673-7028

March 5, 2004

THE PUBLISHER

Attn: Elton John
1000 Sky Pkwy,
Miami Beach, FL 33139

Dear:

The City of Miami Beach works hard to secure and promote the public health, safety, aesthetic values and general welfare of the residents and visitors in their use of public right-of-way. The City is experiencing a problem with the proliferation of newsracks. The Public Works Department has completed an audit of all newsrack located on the City right of ways. Many newsracks have been identified as being non-permitted, in disrepair, abandoned or simply not in compliance with the City ordinance governing the placement and maintenance of newsracks. The City is encouraging the owners to take action in order to comply with the requirement of the city code.

Please be advised that beginning on March 24, 2004, we are going to strictly enforce the City Ordinance requiring newsracks placed in the public right-of-way of the City of Miami Beach to be properly permitted and maintained. Failure to comply will result in the removal of the newsrack in accordance with City Ordinance 2001-3317.

Please contact José Rivas, Engineering Division, if you have any question regarding this issue at (305)673-7080.

Your timely cooperation will be appreciated.

Sincerely,

Robert Halfhill
Assistant Public Works Director

RHJR

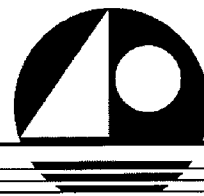
C: Michael Alvarez, Assistant Public Works Director
Arshad Viqar, City Engineer
File

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ENCLOSURE 1

CITY OF MIAMI BEACH

1700 Convention Center Drive, Miami Beach FL 33139
<http://miamibeachfl.gov>



Public Works Department

Telephone (305) 673-7080
Facsimile (305) 673-7028

April 15, 2004

THE PUBLISHER
Attn: Elton John
1000 Sky Pkwy,
Miami Beach, FL 33139

Dear:

The City of Miami Beach strives to secure and promote the public health, safety, aesthetic values and general welfare of the residents, visitors and businesses. One of the challenges facing Miami Beach is the proliferation of newsracks. Many newsracks have been identified as being non-permitted, in disrepair, abandoned or simply not in compliance with the City ordinance governing the placement and maintenance of newsracks. The City is encouraging the owners to take action in order to comply with the requirement of the City code.

One of the tools in resolving the newsrack situation is City ordinance 2001-3317. A steering committee consisting of City staff, citizens and publishers has reviewed the ordinance and developed changes which would benefit the City in enforcement and the publishers in marketing their product. With this intent we will be presenting the revisions to the City Commission for consideration.

Prior to presenting the revised ordinance to the City Commission, an informational meeting will be held to brief the publishing community on the proposed changes. A copy of the ordinance is attached for your review prior to the meeting. The meeting is scheduled for 10:00 a.m. on Friday, May 14, 2004 at Miami Beach City Hall, located at 1700 Convention Center Drive, Miami Beach. We will be meeting in the large conference room on the first floor. There will be signs directing you.

Please contact José Rivas, Engineering Division, if you have any question at (305)673-7080.

Sincerely,

Fred H. Beckmann, P.E.
Director of Public Works

ENCLOSURE 2

NOTICE OF VIOLATION
CITY CODE CHAPTER 82, NEWSRACKS
YOU ARE HEREBY GIVEN NOTICE THAT THIS NEWS RACK IS IN VIOLATION OF THE CODE
OF THE CITY OF MIAMI BEACH FOR THE FOLLOWING REASON(S):

- ☐ Section 82-206 (Abandonment)
- ☐ Section 82-231 (Registration Permit not on record)
- ☐ Section 82-256 (1) (Dimensions and Type)
- ☐ Section 82-256 (2) (Displays advertisement)
- ☐ Section 82-256 (5) (Improper maintenance of racks: Dents, Rust, Graffiti, Stickers)
- ☐ Section 82-257 b.1) (Placed in marked/unmarked crosswalk)
- ☐ Section 82-257 b.9) (Impedes pedestrian access/Sidewalk is too narrow for the rack)
- ☐ Section 82-257 d) (Exceeds maximum allowable number of racks for this location)
- ☐ Other _____

Failure to take corrective action may result in the removal of this newsrack as provided in City Code Sections 82-201 and 82-202. All costs, including removal and storage, shall be the responsibility of the newsrack owner. Please contact Public Works Engineering Division; if you have any question regarding this issue at (305)673-7080.